

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

CIANBRO CORPORATION,)
Plaintiff,)
v.) Misc. No. 11-008 S
GEORGE H. DEAN, INC.)
d/b/a DEAN STEEL,)
Defendant.)

)

ORDER

Plaintiff has requested a writ of execution to enforce a judgment it obtained against Defendant in the District of Maine. Magistrate Judge Almond held a hearing and issued a report and recommendation recommending that the request be granted. Defendant objects, claiming that a writ should not be issued because "judgment has not yet been entered nor has [Plaintiff's] foreign judgment been registered." (Objection at 2.) See L.R. Civ. 69 ("a party in whose favor judgment has been entered may execute on the judgment fourteen (14) days after judgment has been entered on a form provided by the Clerk's Office").

Defendant's contention that the foreign judgment has not been registered is incorrect, because Plaintiff has filed in this Court a certified copy of the judgment it obtained in the

District of Maine (Miscellaneous Petition to Register Judgment, Exhibits A-B), which filing constitutes registration of the judgment. See 28 U.S.C. § 1963 (providing that a foreign money judgment obtained in a district court "may be registered by filing a certified copy of the judgment in any other district"). Nor does it matter that an appeal from the District of Maine decision is pending, because the Maine District Judge found "good cause" under 28 U.S.C. § 1963 to permit registration of the judgment in this Court (Miscellaneous Petition to Register Judgment, Exhibit D) and Defendant has not moved to stay the judgment.¹ As the Magistrate Judge noted, "Defendant's argument seeks to raise form over substance." (R&R at 1.) It does not succeed even at that. Therefore, the report and recommendation is ADOPTED and the request for a writ of execution is GRANTED.

ENTER:

William E. Smith

William E. Smith
United States District Judge
Date: May 18, 2011

¹ Apparently Defendant argued before the Magistrate Judge that Plaintiff's request for a writ of execution did not comply with the requirements set forth in Local Rule Civil 69(b). (See R&R at 2 n.2.) This argument has not been made on the objection to the report and recommendation and is therefore waived. See United States v. Valencia-Copete, 792 F.2d 4, 6 (1st Cir. 1986).